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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,370

09/29/2006

Pierre Malek

0617-1023

2077

466 7590 03/18/2011

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Alexandria, VA 22314

EXAMINER

ORTIZ, RAFAEL

ART UNIT

PAPER NUMBER

3728

NOTIFICATION DATE

DELIVERY MODE

03/18/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,370	<b>Applicant(s)</b> MALEK, PIERRE	
	<b>Examiner</b> RAFAEL ORTIZ	<b>Art Unit</b> 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “complementary body provided with plurality of small-diameter orifices” and “opening and closure abutment” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 4** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the "abutment fastened to said bottom" refers to the bottom of the lid or the complementary body.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-11 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer (5,759,502) in view of Vasudeva (US 6,283,291) and Ramsey (5,186,353).

**Claim 1**

Spencer discloses a stowage device (10) for stowing tools, substantially in the shape of a parallelepiped body, and comprising at least two bodies (12 and 24) fastened together via at least two fastening points (47), one of said two bodies forming a lid (12), said two fastening points belonging to the pivot axis of said one of said two bodies forming a lid, the other body (24) forming a

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complementary body that is complementary to said one of said two bodies forming a lid, wherein said one of said two bodies forming a lid is provided with means (52) suitable for receiving tools (see figure 1). Spencer does not disclose the lid being mounted to pivot inside said parallelepiped body about a pivot axis for opening said device. Spencer does not disclose a protuberant portion at one of its ends for triggering pivoting of said one of said two bodies forming a lid by pressing on said protuberant portion. However, Vasudeva discloses a tool box having a main body (2) and a lid (1), the lid being pivoted inside the main body (see figure 1). Ramsey discloses a lid (12) that is provided with a protuberant portion (18) at one of its ends for triggering pivoting of the lid by pressing on the protuberant portion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lid of Spencer having the lid pivoting inside the main body as Vasudeva for an alternative arrangement between the lid and the main body. Regarding the protuberant portion, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lid of Spencer by incorporating a protuberant portion, as taught by Ramsey, for an easier pivoting and opening of the lid.

#### Claim 2

Spencer further discloses the lid-forming body being provided with a plurality of fastening elements (58) that are secured to the inside face of the body, and that serve for fastening the tools (see figure 1).

#### Claim 3

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Spencer further discloses an opening abutment (44) and a closure abutment (46) for one of the two bodies forming a lid (see figure 1).

Claim 4

Spencer further discloses the opening abutment (44) being constituted by an abutment fastened to the bottom of the lid (12) (see figure 1).

Claims 5 and 6

Spencer further discloses the closure abutment (46) being constituted by two lugs on the complementary body (24) and disposed in the respective ones of the two corners of the complementary body (see figure 1).

Claim 7

Spencer as modified by Ramsey discloses the claimed invention except for the complementary body having a truncated portion allowing contact to be established with the protuberant portion throughout the path along which the two bodies forming a lid pivots. However, Ramsey discloses a complementary body (14) having a truncated portion (78) in which the protuberant portion has contact when the lid is pivoted to an open position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Spencer as modified by Ramsey having a truncated portion in the complementary body as Ramsey for having a better grip when the lid is opened.

Claim 8

Vasudeva further discloses two flanges (23) on the lid (1) inserted into two slots (18) in the complementary body (2) (see figures 3 and 7).

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Claim 9

Spencer further discloses the lid having a plurality of small diameter orifices (58) (see figure 1).

Claim 10

Spencer further discloses the fastening elements (58) consist of a plurality of hollow tubes, each of which serves to receive at least one tool (see figures 1).

Claim 11

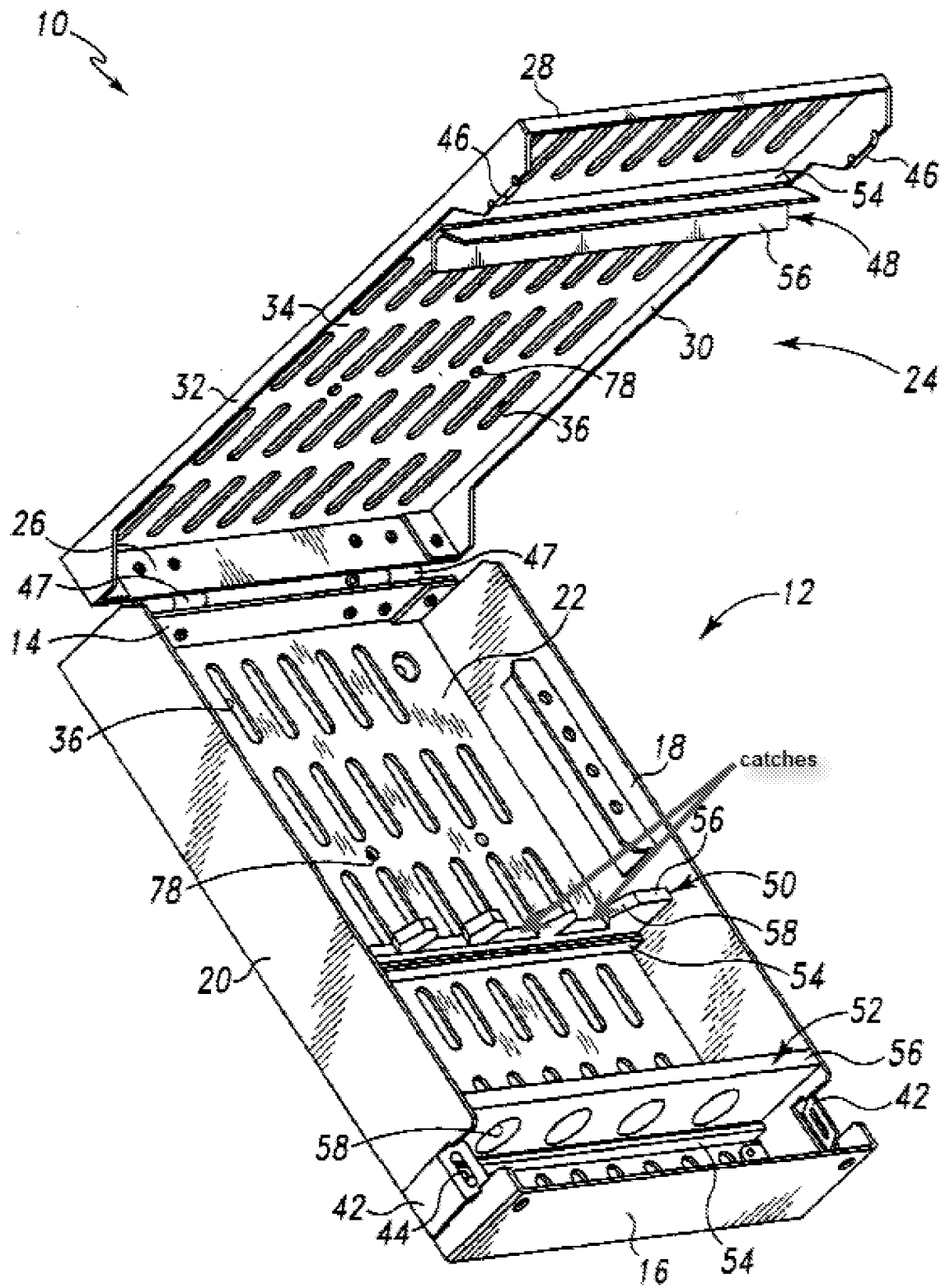


Fig. 1

Spencer further discloses the lid (12) having two catches extending perpendicular to the lid in order to be in contact with a tool (see figure above).

Claim 13

Spencer as modified by Vasudeva and Ramsey discloses the claimed invention except the complementary body and the lid present two colors that are different from each other. It would have been an obvious matter of design choice to modify the color of the device, since applicant has not disclosed that color of the device solves any stated problem or is for any particular purpose and it appears that the invention would perform equally as well with any color.

6. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer (5,759,502), Vasudeva (US 6,283,291) and Ramsey (5,186,353) as applied to claim 1 above, and further in view of Knoblauch (6,024,218).

Spencer is silent disclosing the material the device is made. However, Knoblauch discloses the tool box made of plastic material (see [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the stowage device of Spencer being made of plastic material because is well known in the art to use plastic for tool boxes.

7. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer (5,759,502), Vasudeva (US 6,283,291) and Ramsey (5,186,353) as applied to claim 1 above, and further in view of Riso (US 6,343,708).

The combination of Spencer, Vasudeva and Ramsey does not teach a housing with an opening/closure system containing a plurality of stowage devices.

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However, Riso teaches a housing (12) with an opening/closure system that contains a plurality of stowage devices (50 and 70) (see figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to store a plurality of stowage devices in a housing, as taught by Riso to provide storage space for a plurality of toolboxes.

8. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer (5,759,502) in view of Ramsey (5,186,353).

Spencer discloses a stowage device (10) for stowing tools, said device being substantially in the shape of a parallelepiped main body, and comprising: a first body (24) having a bottom (34) and four sides extending perpendicular to said bottom; a second body (12) having a planar portion (defined by the floor of 22) parallel to said bottom portion (34) and forming a lid of said main body that pivots into said main body about a pivot axis for opening said device, said second body being connected to two of said four sides by two fastening points (47), said two fastening points being spaced from a first end of said second body; and tool holding elements (58) connected to an inwardly facing surface of said second body (12). Spencer does not disclose the second body having a protuberant portion at said first end extending above a plane of said planar portion for pivoting said second body by pressing on said protuberant portion. However, Ramsey discloses a lid (12) that is provided with a protuberant portion (18) at one of its ends for triggering pivoting of the lid by pressing on the protuberant portion. It would have been obvious to one of ordinary skill in the art

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at the time the invention was made to modify the lid of Spencer by incorporating a protuberant portion, as taught by Ramsey, for an easier pivoting and opening of the lid.

9. **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer (5,759,502) in view of Ramsey (5,186,353).

Claim 16

Spencer discloses a stowage device (10) for stowing tools, said device being substantially in the shape of a parallelepiped main body, and comprising: a first body (24) having a bottom (34) and four sides extending perpendicular to said bottom; a second body (12) having a planar portion (defined by the floor of 22) parallel to said bottom portion (34) and forming a lid of said main body that pivots into said main body about a pivot axis for opening said device, said second body being connected to two of said four sides by two fastening points (47), said two fastening points being spaced from a first end of said second body; and tool holding elements (58) connected to an inwardly facing surface of said second body (12). Spencer does not disclose the second body having a protuberant portion at said first end extending above a plane of said planar portion for pivoting said second body by pressing on said protuberant portion. Spencer does not disclose a complementary body having a truncated portion in which the protuberant portion has contact when the lid is pivoted to an open position. However, Ramsey discloses a lid (12) that is provided with a protuberant portion (18) at one of its ends for triggering pivoting of the lid by

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pressing on the protuberant portion and a truncated portion (78) allowing contact to be established with the protuberant portion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lid of Spencer by incorporating a protuberant portion for an easier opening of the lid and better gripping of the toolbox.

#### Claim 17

Spencer as modified by Ramsey discloses the truncated portion extending between the two fastening points and a connection of said two of the four sides with another one of the four sides. The truncated portion would be place on the end closer to the fastening points helping the lid (10) pivoting against the complementary body (30).

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAFAEL ORTIZ whose telephone number is (571)270-5240. The examiner can normally be reached on 7:30 - 5:00 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. O./ 02/23/2011  
Examiner, Art Unit 3728

/Mickey Yu/  
Supervisory Patent Examiner, Art  
Unit 3728